(9) Include the following statement for vehicles with an evaporative canister for controlling diurnal emissions: ''THIS VEHICLE IS DESIGNED TO COMPLY WITH EVAPORATIVE EMISSION STANDARDS WITH UP TO x GALLONS OF FUEL TANK CAPACITY.'' Complete this statement by identifying the maximum specified fuel tank capacity associated with your certification.

* * * * *

§ 1037.140 Curb weight and roof height.

(a) Where applicable, a vehicle's curb weight and roof height are determined from nominal design specifications, as provided in this section. Round the weight to the nearest pound and height to the nearest inch. Base roof height on fully inflated tires having a static loaded radius equal to the arithmetic mean of the largest and smallest static loaded radius of tires you offer or a standard tire we approve.

(b) The nominal design specifications must be within the range of the actual weights and roof heights of production vehicles considering normal production variability. If after production begins it is determined that your nominal design specifications do not represent production vehicles, we may require you to amend your application for certification under § 1037.225.

(c) If your vehicle is equipped with an adjustable roof fairing, measure the roof height with the fairing in its lowest setting.

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The provisions in this section apply instead of other provisions in this part.

(a) *Incentives for early introduction.* The provisions of this paragraph (a) apply with respect to vehicles produced in model years before 2014. Manufacturers may voluntarily certify in model year 2013 (or earlier model years for electric vehicles) to the greenhouse gas standards of this part.

(1) This paragraph (a)(1) applies for regulatory sub-categories subject to the standards of § 1037.105 or § 1037.106. Except as specified in paragraph (a)(3) of this section, to generate early credits under this paragraph for any vehicles other than electric vehicles, you must certify your entire U.S.-directed production volume within the regulatory sub-category to these standards. Except as specified in paragraph (a)(4) of this section, if some vehicle families within a regulatory sub-category are certified after the start of the model year, you may generate credits only for production that occurs after all families are certified. For example, if you produce three vehicle families in an averaging set and you receive your certificates for those families on January 4, 2013, March 15, 2013, and April 24, 2013, you may not generate credits for model year 2013 production in any of the families that occurs before April 24, 2013. Calculate credits relative to the standard that would apply in model year 2014 using the equations in subpart H of this part. You may bank credits equal to the surplus credits you generate under this paragraph (a) multiplied by 1.50. For example, if you have 1.0 Mg of surplus credits for model year 2013, you may bank 1.5 Mg of credits. Credit deficits for an averaging set prior to model year 2014 do not carry over to model year 2014. These credits may be used to show compliance with the standards of this part for 2014 and later model years. We recommend that you notify EPA of your intent to use this provision before submitting your applications.

(2) This paragraph (a)(2) applies for regulatory sub-categories subject to the standards of § 1037.104. To generate early credits under this paragraph (a)(2) for any vehicles other than electric vehicles, you must certify your entire U.S.-directed production volume within the regulatory sub-category to these standards. If you calculate a separate fleet average for advanced-technology vehicles under § 1037.104(c)(7), you must certify your entire U.S.-directed production volume of both advanced and conventional vehicles within the regulatory sub-category. Except as specified in paragraph (a)(4) of this section, if some test groups are certified after the start of the model year, you may generate credits only for production that occurs after all test groups are certified. For example, if you produce three test groups in an averaging set and you receive your certificates for those test groups on January 4, 2013, March 15, 2013, and April 24, 2013, you may not generate credits for

model year 2013 production in any of the test groups that occurs before April 24, 2013. Calculate credits relative to the standard that would apply in model year 2014 using the applicable equations in 40 CFR part 86 and your model year 2013 U.S.-directed production volumes. These credits may be used to show compliance with the standards of this part for 2014 and later model years. We recommend that you notify EPA of your intent to use this provision before submitting your applications.

(3) You may generate emission credits for the number of additional SmartWay designated tractors (relative to your 2012 production), provided you do not generate credits for those vehicles under paragraph (a)(1) of this section. Calculate credits for each regulatory sub-category relative to the standard that would apply in model year 2014 using the equations in subpart H of this part. Use a production volume equal to the number of designated model year 2013 SmartWay tractors minus the number of designated model year 2012 SmartWay tractors. You may bank credits equal to the surplus credits you generate under this paragraph (a)(3) multiplied by 1.50. Your 2012 and 2013 model years must be equivalent in length.

(4) This paragraph (a)(4) applies where you do not receive your final certificate in a regulatory sub-category within 30 days of submitting your final application for that sub-category. Calculate your credits for all production that occurs 30 days or more after you submit your final application for the sub-category.

(b) *Phase-in provisions.* Each manufacturer must choose one of the following options for phasing in the standards of §1037.104:

(1) To implement the phase-in under this paragraph (b)(1), the standards in §1037.104 apply as specified for model year 2018, with compliance for vehicles in model years 2014 through 2017 based on the CO_2 target values specified in the following table:

TABLE 1 TO §1037.150

Model year and engine cycle	Alternate CO_2 target (g/mile)
2014 Spark-Ignition	[0.0482 × (WF)] + 371
2015 Spark-Ignition	[0.0479 × (WF)] + 369
2016 Spark-Ignition	[0.0469 × (WF)] + 362
2017 Spark-Ignition	[0.0460 × (WF)] + 354
2014 Compression-Ignition	[0.0478 × (WF)] + 368
2015 Compression-Ignition	[0.0474 × (WF)] + 366
2016 Compression-Ignition	[0.0460 × (WF)] + 354
2017 Compression-Ignition	[0.0445 × (WF)] + 343

(2) To implement the phase-in under this paragraph (b)(2), the standards in §1037.104 apply as specified for model year 2019, with compliance for vehicles in model years 2014 through 2018 based on the CO_2 target values specified in the following table:

TABLE 2 TO §1037.150

Model year and engine cycle	Alternate CO_2 target (g/mile)
2014 Spark-Ignition	[0.0482 × (WF)] + 371
2015 Spark-Ignition	[0.0479 × (WF)] + 369
2016–2018 Spark-Ignition	[0.0456 × (WF)] + 352
2014 Compression-Ignition	[0.0478 × (WF)] + 368
2015 Compression-Ignition	[0.0474 × (WF)] + 366
2016–2018 Compression-Ignition	[0.0440 × (WF)] + 339

(c) *Provisions for small manufacturers.* Manufacturers meeting the small business criteria specified in 13 CFR 121.201 for ''Heavy Duty Truck Manufacturing'' are not subject to the greenhouse gas standards of §§1037.104 through 1037.106, as specified in this

paragraph (c). Qualifying manufacturers must notify the Designated Compliance Officer each model year before introducing these excluded vehicles into U.S. commerce. This notification must include a description of the manufacturer's qualification as a small business under 13 CFR 121.201. You must label your excluded vehicles with the following statement: ''THIS VEHICLE IS EXCLUDED UNDER 40 CFR 1037.150(c).''.

(d) *Air conditioning leakage for vocational vehicles.* The air conditioning leakage standard of §1037.115 does not apply for vocational vehicles.

(e) *Model year 2014 N_2O standards.* In model year 2014 and earlier, manufacturers may show compliance with the N_2O standards using an engineering analysis. This allowance also applies for later test groups families carried over from model 2014 consistent with the provisions of 40 CFR 86.1839. You may not certify to an N_2O FEL different than the standard without measuring N_2O emissions.

(f) *Electric vehicles.* All electric vehicles are deemed to have zero emissions of CO_2, CH_4, and N_2O. No emission testing is required for electric vehicles.

(g) *Compliance date.* Compliance with the standards of this part is optional prior to January 1, 2014. This means that if your 2014 model year begins before January 1, 2014, you may certify for a partial model year that begins on January 1, 2014 and ends on the day your model year would normally end. You must label model year 2014 vehicles excluded under this paragraph (g) with the following statement: ''THIS VEHICLE IS EXCLUDED UNDER 40 CFR 1037.150(g).''

(h) *Off-road vehicle exemption.* In unusual circumstances, vehicle manufacturers may ask us to exempt vehicles under §1037.631 based on other criteria that are equivalent to those specified in §1037.631(a). For example, we would normally not grant relief in cases where the vehicle manufacturer had credits or other compliant tires were available.

(i) *Credit multiplier for advanced technology.* If you generate credits from vehicles certified with advanced technology, you may multiply these credits by 1.50, except that you may not apply this multiplier in addition to the early-credit multiplier of paragraph (a) of this section.

(j) *Limited prohibition related to early model year engines.* The prohibition in §1037.601 against introducing into U.S. commerce a vehicle containing an engine not certified to the standards of this part does not apply for vehicles using model year 2014 or 2015 spark-ignition engines, or any model year 2013 or earlier engines.

(k) *Verifying drag areas from in-use vehicles.* We may measure the drag area of your vehicles after they have been placed into service. Your vehicle conforms to the regulations of this part with respect to aerodynamic performance if we measure its drag area to be at or below the maximum drag area allowed for the bin to which that configuration was certified. To account for measurement variability, your vehicle is also deemed to conform to the regulations of this part with respect to aerodynamic performance if we measure its drag area to at or below the maximum drag area allowed for the bin above the bin to which you certified (for example, Bin II if you certified the vehicle to Bin III), unless we determine that you knowingly produced the vehicle to have a higher drag area than is allowed for the bin to which it was certified.

(l) *Optional certification under §1037.104.* You may certify certain complete or cab-complete vehicles to the standards of §1037.104. All vehicles optionally certified under this paragraph (l) are deemed to be subject to the standards of §1037.104. Note that certification under this paragraph (l) does not affect how you may or may not certify with respect to criteria pollutants. For example, certifying a Class 4 vehicle under this paragraph does not allow you to chassis-certify these vehicles with respect to criteria emissions.

(1) You may certify complete or cab-complete spark-ignition vehicles to the standards of §1037.104.

(2) You may apply the provisions of §1037.104 to cab-complete vehicles based on a complete sister vehicle. In unusual circumstances, you may ask us to apply these provisions to Class 2b or 3 incomplete vehicles that do not meet the definition of cab-complete.

Except as specified in paragraph (l)(3) of this section, for purposes of §1037.104, a complete sister vehicle is a complete vehicle of the same vehicle configuration (as defined in §1037.104) as the cab-complete vehicle. Calculate the target value under §1037.104(a) based on the same work factor value that applies for the complete sister vehicle. Test these cab-complete vehicles using the same equivalent test weight and other dynamometer settings that apply for the complete vehicle from which you used the work factor value. For certification, you may submit the test data from that complete sister vehicle instead of performing the test on the cab-complete vehicle. You are not required to produce the complete sister vehicle for sale to use the provisions of this paragraph (l)(2). This means the complete sister vehicle may be a carry-over vehicle from a prior model year or a vehicle created solely for the purpose of testing.

(3) You may use as complete sister vehicle a complete vehicle that is not of the same vehicle configuration as the cab-complete vehicle as specified in this paragraph (l)(3). This allowance applies where the complete vehicle is not of the same vehicle configuration as the cab-complete vehicle only because of factors unrelated to coastdown performance. If your complete sister vehicle is covered by this paragraph (l)(3), you may not submit the test data from that complete sister vehicle and must perform the test on the cab-complete vehicle.

(m) *Loose engine sales.* This paragraph (m) applies for spark-ignition engines identical to engines used in vehicles certified to the standards of §1037.104, where you sell such engines as loose engines or as engines installed in incomplete vehicles that are not cab-complete vehicles. For purposes of this paragraph (m), engines would not be considered to be identical if they used different engine hardware. You may include such engines in a test group certified to the standards of §1037.104, subject to the following provisions:

(1) Engines certified under this paragraph (m) are deemed to be certified to the standards of 40 CFR 1036.108 as specified in 40 CFR 1036.108(a)(4).

(2) The U.S.-directed production volume of engines you sell as loose engines or installed in incomplete heavy-duty vehicles that are not cab-complete vehicles in any given model year may not exceed ten percent of the total U.S.-directed production volume of engines of that design that you produce for heavy-duty applications for that model year, including engines you produce for complete vehicles, cab-complete vehicles, and other incomplete vehicles. The total number of engines you may certify under this paragraph (m), of all engine designs, may not exceed 15,000 in any model year. Engines produced in excess of either of these limits are not covered by your certificate. For example, if you produce 80,000 complete model year 2017 Class 2b pickup trucks with a certain engine and 10,000 incomplete model year 2017 Class 3 vehicles with that same engine, and you do not apply the provisions of this paragraph (m) to any other engine designs, you may produce up to 10,000 engines of that design for sale as loose engines under this paragraph (m). If you produced 11,000 engines of that design for sale as loose engines, the last 1,000 of them that you produced in that model year 2017 would be considered uncertified.

(3) This paragraph (m) does not apply for engines certified to the standards of 40 CFR 1036.108(a)(1).

(4) Label the engines as specified in 40 CFR 1036.135 including the following compliance statement: ''THIS ENGINE WAS CERTIFIED TO THE ALTERNATE GREENHOUSE GAS EMISSION STANDARDS OF 40 CFR 1036.108(a)(4).'' List the test group name instead of an engine family name.

(5) Vehicles using engines certified under this paragraph (m) are subject to the emission standards of §1037.105.

(6) For certification purposes, your engines are deemed to have a CO_2 target value and test result equal to the CO_2 target value and test result for the complete vehicle in the applicable test group with the highest equivalent test weight, except as specified in paragraph (m)(6)(ii) of this section. Use these values to calculate your target value, fleet-average emission rate, and in-use emission standard. Where there are multiple complete vehicles with

the same highest equivalent test weight, select the CO_2 target value and test result as specified in paragraphs (m)(6)(i) and (ii) of this section:

(i) If one or more of the CO_2 test results exceed the applicable target value, use the CO_2 target value and test result of the vehicle that exceeds its target value by the greatest amount.

(ii) If none of the CO_2 test results exceed the applicable target value, select the highest target value and set the test result equal to it. This means that you may not generate emission credits from vehicles certified under this paragraph (m).

(7) State in your applications for certification that your test group and engine family will include engines certified under this paragraph (m). This applies for your greenhouse gas vehicle test group and your criteria pollutant engine family. List in each application the name of the corresponding test group/engine family.

EFFECTIVE DATE NOTE: At 78 FR 36392, June 17, 2013, §1037.150 was amended by revising paragraphs (a)(2), (l) introductory text, and (l)(1), effective Aug. 16, 2013. For the convenience of the user, the revised text is set forth as follows:

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* * * * *

(a) * * *

(2) This paragraph (a)(2) applies for regulatory sub-categories subject to the standards of §1037.104. To generate early credits under this paragraph (a)(2) for any vehicles other than electric vehicles, you must certify your entire U.S.-directed fleet to these standards. If you calculate a separate fleet average for advanced-technology vehicles under §1037.104(c)(7), you must certify your entire U.S.-directed production volume of both advanced and conventional vehicles within the fleet. Except as specified in paragraph (a)(4) of this section, if some test groups are certified after the start of the model year, you may generate credits only for production that occurs after all test groups are certified. For example, if you produce three test groups in an averaging set and you receive your certificates for those test groups on January 4, 2013, March 15, 2013, and April 24, 2013, you may not generate credits for model year 2013 for vehicles from any of the test groups produced before April 24, 2013. Calculate credits relative to the standard that would apply in model year 2014 using the applicable equations in 40 CFR part 86 and your model year 2013 U.S.-directed production volumes. These credits may be used to show compliance with the standards of this part for 2014 and later model years. We recommend that you notify us of your intent to use this provision before submitting your applications.

* * * * *

(l) *Optional certification under §1037.104.* You may certify certain complete or cab-complete vehicles to the standards of §1037.104. All vehicles optionally certified under this paragraph (l) are deemed to be subject to the standards of §1037.104. Note that for vehicles above 14,000 pounds GVWR and at or below 26,000 pounds GVWR, certification under this paragraph (l) does not affect how you may or may not certify with respect to criteria pollutants. For example, certifying a Class 4 vehicle under this paragraph (l) does not allow you to chassis-certify these vehicles with respect to criteria pollutants.

(1) You may certify any complete or cab-complete spark-ignition vehicles above 14,000 pounds GVWR and at or below 26,000 pounds GVWR to the standards of §1037.104 even though §1037.104 specifies that you may certify vehicles to the standards of that section only if they are chassis-certified for criteria pollutants.

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Subpart C—Certifying Vehicle families

§ 1037.201 General requirements for obtaining a certificate of conformity.

(a) You must send us a separate application for a certificate of conformity for each vehicle family. A certificate of conformity is valid from the indicated effective date until the end of the model year for which it is issued, which may not extend beyond December 31 of that year. You must renew your certification annually for any vehicles you continue to produce.

(b) The application must contain all the information required by this part and must not include false or incomplete statements or information (see §1037.255).

(c) We may ask you to include less information than we specify in this subpart, as long as you maintain all the information required by §1037.250.